

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. PIERCE,

No. C 08-04446 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

V.

DIRECTOR OF CORRECTIONS AND  
REHABILITATION, et al.,

## Defendants.

Defendants.

12 Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983.  
13 Plaintiff filed a completed in forma pauperis application and his prisoner trust account statement;  
14 however, he did not file a copy of his certificate of funds. On October 28, 2008, the Court issued an  
15 Order Directing Payment of Filing Fee or a Copy of his Certificate of Funds. The Clerk sent  
16 Plaintiff another blank in forma pauperis application. The Court directed Plaintiff to either pay the  
17 fee or return the completed certificate of funds within thirty days or his action would be dismissed.  
18 More than thirty days have passed and Plaintiff has not submitted his certificate of funds.

19       Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff's in forma  
20 pauperis application is DENIED as incomplete. The Court has rendered its final decision on this  
21 matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall close the  
22 file.

IT IS SO ORDERED.

24 || DATED: 12/10/08

Saundra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

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6 MICHAEL D. PIERCE,

7 Plaintiff,

Case Number: CV08-04446 SBA

8 v.

9 DIRECTOR OF CORRECTIONS et al,

10 Defendant.

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12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District

13 Court, Northern District of California.

14 That on December 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said

15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said

envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle

located in the Clerk's office.

16

17 Michael D. Pierce  
18 CDCR #P-31729  
19 CDCR - Corcoran  
P.O. Box 5242  
Corcoran, CA 93212

20 Dated: December 12, 2008

21 Richard W. Wiekking, Clerk  
By: LISA R CLARK, Deputy Clerk